IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1243 of 1988

For Approval and Signature:

HON'BLE MR.JUSTICE AKSHAY H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

CHATURGIRI J GOSWAMI

Versus

S.H. PANDE

Appearance:

1. Special Civil Application No. 1243 of 1988

MR YN OZA for Petitioner No. 1

MR LB DABHI A,G.P. for Respondent No. 1-4

CORAM : HON'BLE MR.JUSTICE AKSHAY H.MEHTA

Date of decision: 21/06/2004

ORAL JUDGEMENT

In this petition, the relief that has been sought is to the effect that the respondents be directed to strictly comply with the Circular dated 25th October, 1985 issued by the Director General of Police, Gujarat

State, Ahmedabad. The said Circular is in respect of the eight hours' of duty to Policemen. It appears from the record that the Police constables were required to discharge more than eight hours duty in a day. Further, for such excess time, they were not paid any monetary compensation. The Police Constable Employees' Association took up the issue and it was discussed in the meeting of the Director General of Police with the Office Bearers of the said Association on 24th October, 1985. Thereafter, the Director General of Police had expressed his desire that the distribution of duties should be made in such a way that the constables were not required to work for more than eight hours. However, the other Police Officers were of the opinion, that it was not possible to do so. It was, therefore, decided to discuss the issue with the staff of the police station.

1.1. It further appears that subsequently, some petitions came to be filed before this Court being Special Civil Application No. 1305 of 1986, Special Civil Application No. 660 of 1987 etc. These petitions involve identical issue and hence the present petition was required to be heard alongwith the said petitions. Further, it appears that the same has been left out whereas, the other two have already been decided. The learned Single Judge of this Court [Coram : S.K. Keshote, J.] by judgment dated 5th August, 1996 and 9th August, 1996 has disposed of both these matters by directing the concerned petitioners to file the representation, if they so desire, in respect of the grievances that have been raised in the said petitions regarding excess duty etc., and the respondents were directed to hear the petitioners representatives and to dispose of their representations within a period of four months from the date of receipt of the same. This direction has been given by the learned Judge without going into the merits of the case. Ofcourse, while, doing so, the learned Judge, had taken into consideration the nature of the issue involved in the petition and had thought it fit to get them resolved by the parties,
without agitating the same before the Court. In the same way, the petitioner of this petition is also required to be directed to make representation to the respondents. It is directed that the petitioner, if he so desires, can make representation to respondent no. 3 within two months from the date of the receipt of this order and after granting him personal hearing, respondent no. 3 may decide his representation as early as possible and before expiry of four months period from the date of receipt of the same.

With this direction, the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

[AKSHAY H. MEHTA, J.]

/phalguni/